PLANNING COMMISSION REPORT

Meeting Date: November 9, 2016
General Plan Element: *Land Use*
General Plan Goal: *Create a sense of community through land uses*

ACTION

Vines & Hops
8-UP-2016

Request to consider the following:

1. A recommendation to City Council regarding a request by owner for a Conditional Use Permit for a Bar on a ± 2400-square footage site located at 4216 North Brown Avenue with Central Business/Parking District Downtown Overlay and Parking District Vehicle Parking Downtown Overlay (C-2/P-3 DO & P-2 DO) zoning.

Goal/Purpose of Request

The primary reason for the request is that the applicant has a Series 7 (Beer and Wine Bar) liquor license from the Arizona Department of Liquor Licenses and Control at the proposed Vines & Hops without offering prepared food service (no kitchen facilities) or significant retail.

Key Items for Consideration

- Conditional Use Permit (CUP) Criteria
- No known opposition

OWNER

Vines & Hops, LLC
602-338-4553

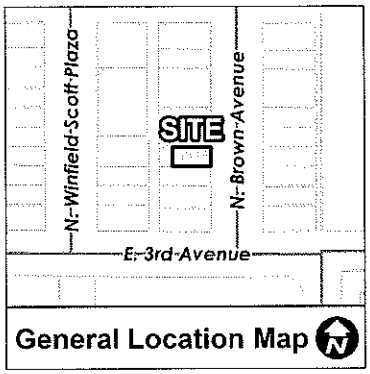
APPLICANT CONTACT

Erica Rocush
Vines & Hops, LLC
520-237-3212

Action Taken _____

LOCATION

4216 North Brown Avenue



BACKGROUND

General Plan

The Land Use Element of the General Plan designates the site area as Mixed-Use Neighborhoods. This category includes higher density residential, office and retail uses. Mixed-Use Neighborhoods are also characterized by being located in areas having multiple modes of transportation available. In addition, the site areas are located in a growth area, as designated by the Growth Areas Element of the General Plan. The purpose of this designation is to approach "...growth management from a perspective of ..." identifying those "...areas of the community that are most appropriate for development focus [that] will best accommodate future growth...." The Growth Areas are intended to encourage development in a mixed-use environment.

Character Area Plan

The Downtown Future Land Use map of the Downtown Plan designates the site as Downtown Multiple Use Type 2 within the Main Street Conceptual Urban Neighborhood. This land use is characterized to "Encourage new development, redevelopment and infill that strengthens Downtown Scottsdale's mix of uses and activities..." (LU 2.5) that are primarily mutually supportive.

Zoning

The site is zoned Central Business, Parking District Downtown Overlay and Parking District Vehicle Parking Downtown Overlay (C-2/P-3 DO & P-2 DO), which allows for a wide variety of uses, including office, personal care services, restaurants and retail. Bars are permitted subject to the approval of a Conditional Use Permit.

Context

Located approximately one hundred (100) feet north of the northwest corner of North Brown Avenue and East 3rd Avenue, the site is located in an area that is occupied primarily by a variety of hotels, office, and personal care uses. Other bars are located in area to the east on the north and south side of East Indian Plaza. Please refer to context graphics attached.

Adjacent Uses and Zoning

- North: Existing office, zoned Central Business, Parking District Downtown Overlay and Parking District Vehicle Parking Downtown Overlay (C-2/P-3 DO & P-2 DO)
- South: Existing office, zoned Central Business, Parking District Downtown Overlay and Parking District Vehicle Parking Downtown Overlay (C-2/P-3 DO & P-2 DO)
- East: North Brown Avenue, and further east is an existing office, zoned Central Business, Parking District Downtown Overlay and Parking District Vehicle Parking Downtown

Overlay (C-2/P-3 DO & P-2 DO)

- West: An alley, and further west is an existing retail use, zoned Central Business, Parking District Downtown Overlay and Parking District Vehicle Parking Downtown Overlay (C-2/P-3 DO & P-2 DO)

Other Related Policies, References:

79-LL-2016 Request for a Series 7 (Beer and Wine Bar) Liquor License

APPLICANTS PROPOSAL

Development Information

The development proposal includes 1,432 square foot building with a 200 square foot patio.

- Existing Use: Office/Wholesale
- Proposed Use: Bar
- Parcel Size: ± 2,400 square feet net lot area
- Parking Required: 12.18 parking spaces
- Parking Provided: 3 spaces on site, 5.8 P-3 Parking Credits, and 3.38 In-lieu Parking Credits

IMPACT ANALYSIS

Conditional Use Permit

Conditional Use Permits, which may be revocable, conditional, or valid for a specified time period, may be granted only when expressly permitted after the Planning Commission has made a recommendation and City Council has found as follows:

A. That the granting of such Conditional Use Permit will not be materially detrimental to the public health, safety or welfare. In reaching this conclusion, the Planning Commission and the City Council's consideration shall include, but not be limited to, the following factors:

1. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.

   - **The proposed bar use is intending to operate within an existing building with a small patio with minimal seating. There are no impacts anticipated due to noise, smoke, odor, dust, vibration or illumination for the proposed bar use.**

2. Impact on surrounding areas resulting from an unusual volume or character of traffic.

   - **The establishment fronts on to North Brown Avenue, a local commercial street; and, it is approximately five hundred thirty (530) feet from a signalized intersection at East 3rd Avenue and North Scottsdale Road, which is Major Collector street. The proposed use is not anticipated to generate a significant demand in vehicular traffic that would affect the existing traffic characteristics of these streets.**

B. The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas.

- **The proposed bar use appears reasonably compatible with the surrounding area. This area of the Downtown contains a mix of uses ranging from bars, hotel, office, personal care services and restaurants. Directly north and south of the subject site, and on the east side of North Brown Avenue are existing buildings. Approximately two hundred (200) feet directly south, at the intersection of North Brown Avenue and East 3rd Avenue are is the Marriott Hotel. Also in close proximity to this establishment are several other office and personal care uses, and the Hyatt Place hotel. The closest residential use is approximately two hundred sixty (260) feet to the southeast on the corner of East 3rd Avenue and North Buckboard Trail.**

C. The additional conditions in Section 1.403, as applicable, have been satisfied.

1. The use shall not disrupt existing balance of daytime and nighttime uses.

- **The approval of this Conditional Use Permit for a Bar is not an anticipated to disrupt the balance of daytime and nighttime uses in the area. It is the applicant's intent to operating this establishment during the day and evening, between 11 a.m. and 11 p.m, which will assist in maintaining the balance of daytime and nighttime uses.**

2. The use shall not disrupt pedestrian-oriented daytime activities.

- **Daytime pedestrian-oriented activities are not anticipated to be disrupted as a result of approving this request for a Conditional Use Permit for a Bar. It is the applicant's intent to operate this establishment between 11 a.m. and 11 p.m., which will assist in maintaining these activities. In addition, the applicant will not be utilizing the adjacent sidewalk for its activities.**

3. If the site is located within the downtown overlay district then:

a. The use shall not encourage displacement of daytime retail uses unless it can be demonstrated that the proposed use shall promote diversity of first floor uses along the street.

- **No daytime retail uses will be displaced as a result of this request.**

b. The required parking for the use shall be within six hundred (600) feet of the property and shall not be separated from the property by a major or minor arterial street.

- **The parking for the proposed bar use is provided with the existing 3 spaces onsite, 5.8 P-3 Parking Credits, and 3.38 In-lieu Parking Credits. Within six hundred (600) feet of the site, there are six hundred eighteen (618) public parking spaces.**

4. If the use is located within five hundred (500) feet of a residential use or district then:

a. The use shall not adversely impact residential uses.

- **The nearest residential use is located at southeast corner of North Buckboard Trail and East 3rd Avenue, which is approximately two hundred sixty (260) feet from the proposed bar use. The proposed Conditional Use Permit for a Bar is not anticipated to adversely affect the nearby residential uses.**

b. The use shall provide methods of buffering residential uses.

- **Operation of the proposed bar is within the existing building, with the exception of a small two hundred (200) square foot patio between the building's north elevation and the building on the adjacent lot to the north. This patio is separated by other buildings and streets, which are anticipated to provide a sufficient buffer from the residential uses on the southeast on the corner of East 3rd Avenue and North Buckboard Trail.**

5. An active management and security plan shall be created, approved, implemented, maintained, and enforced for the business.

   - **A Security Plan and Maintenance Plan has been reviewed and approved by the Scottsdale Police Department and is on file with the Current Planning Division. Conditions of the plan will be implemented and enforced by the City's Code Enforcement Division and the Scottsdale Police Department.**

6. The applicant shall provide, with the application for a conditional use permit, a written exterior refuse control plan which must be approved by the planning and development department staff as complying with the written guidelines of the department.

   - **A Security Plan and Maintenance Plan has been reviewed and approved by the Scottsdale Police Department and is on file with the Current Planning Division. Conditions of the plan will be implemented and enforced by the City's Code Enforcement Division and the Scottsdale Police Department.**

7. The applicant shall demonstrate how noise and light generated by the use shall be mitigated.

   - **All external lighting is existing and is compatible with the lighting in the area. No outdoor speakers or live entertainment are proposed at this establishment.**

8. The applicant shall demonstrate that the use shall meet required parking and shall not exceed capacity for traffic in the area.

   - **The parking for the proposed bar use is provided with the existing 3 spaces onsite, 5.8 P-3 Parking Credits, and 3.38 In-lieu Parking Credits. Within six hundred (600) feet of the site, there are six hundred eighteen (618) public parking spaces. The proposed bar use is not anticipated to adversely affect parking and shall not exceed capacity for traffic in the area.**

9. After hours establishments must maintain a valid after hours establishment license.

- **No after-hours activities are proposed as part of this application. The applicant has committed to ending all operations at 11 p.m.**

Public Safety

The nearest fire station is located at 7522 East Indian School Road, approximately 1,750 feet southeast of the propose use. The nearest police station is located 3700 N. 75th Street, approximately 2,800 feet southeast of the propose use. A Security Plan and Maintenance Plan, including the refuse control plan, has been reviewed and approved by the Scottsdale Police Department and is on file with the Current Planning Division. No significant impacts to existing service levels are anticipated.

Liquor License Review

The City Council recommended approval of a Series 7 (Beer and Wine bar) liquor license to the Arizona State Liquor Board on October 10, 2016, case 79-LL-2016.

Community Involvement

Property owners within 750 feet of the establishment have been notified and the site has been posted with the required signage. The applicant held an open house meeting on September 27, 2016. As of the date of this report, Staff has not received correspondence from an adjacent property owners or the community regarding this application.

RECOMMENDATION

Recommended Approach

Staff recommends that the Planning Commission find that the Conditional Use Permit criteria have been met, and make a recommendation to City Council for approval of a Conditional Use Permit for a Bar on a +/- 2,400-square footage site located at 4216 North Brown Avenue, per the attached stipulations.

RESPONSIBLE DEPARTMENT

Planning and Development Services
Current Planning Services

STAFF CONTACT

Dan Symer, AICP
Senior Planner
480-312-4218
E-mail: dsymer@ScottsdaleAZ.gov

APPROVED BY

STAFF CONTACT

Dan Symer, AICP
Senior Planner
480-312-4218
E-mail: dsymer@ScottsdaleAZ.gov

APPROVED BY

Dan Symer, AICP, Report Author — Date: 10-13-2016

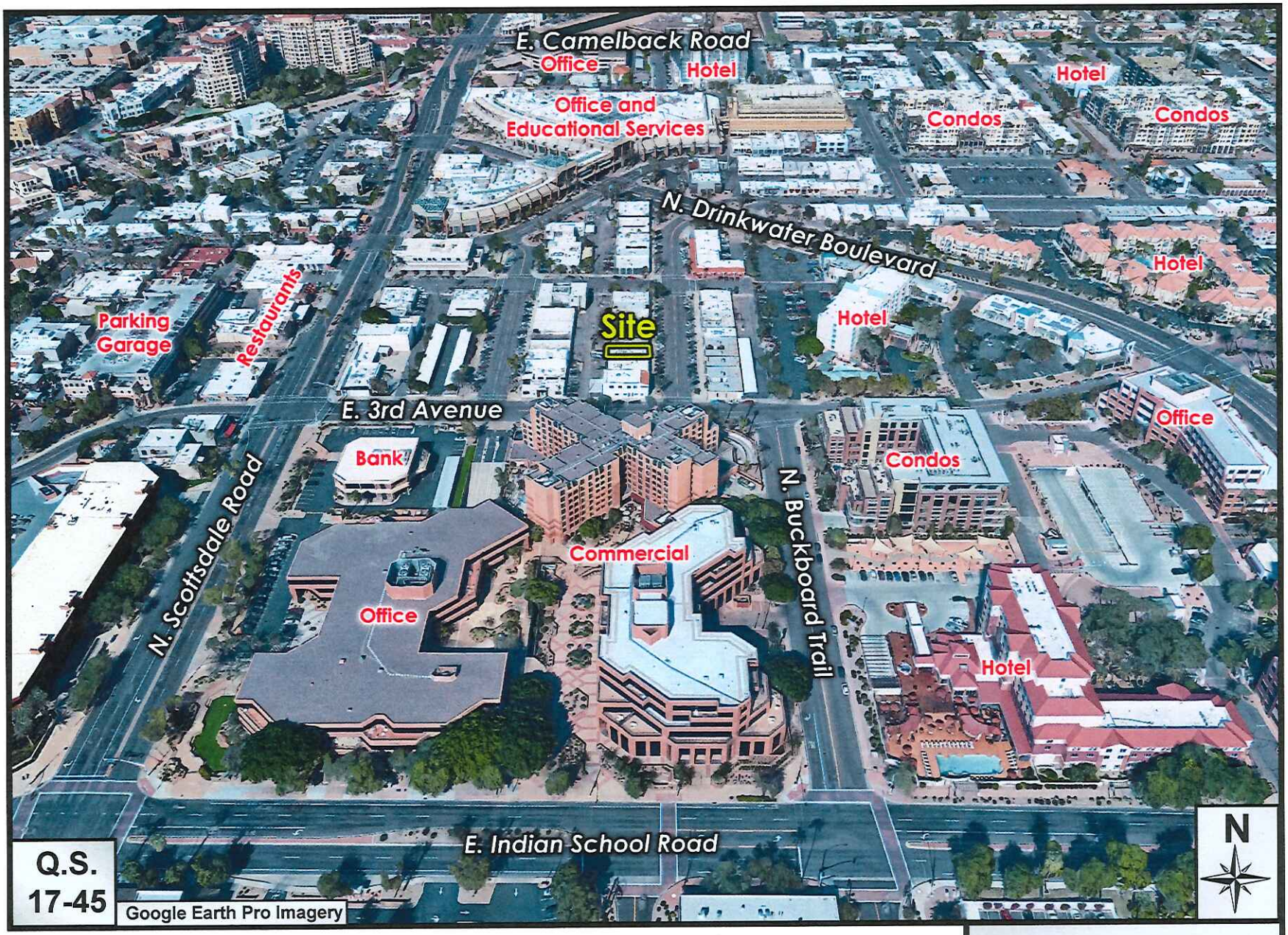
Tim Curtis, AICP, Current Planning Director — Date: 11/2/2016
480-312-4210, tcurtis@scottsdaleaz.gov

Randy Grant, Director — Date: 11/3/16
Planning and Development Services
480-312-2664, rgrant@scottsdaleaz.gov

ATTACHMENTS

1. Context Aerial
1A. Aerial Close-Up
2. Stipulations
   Exhibit A to Attachment 2: Floor Plan
3. Applicant's Narrative
4. Zoning Map
5. Security Plan and Maintenance Plan
6. Citizen Involvement
7. City Notification Map

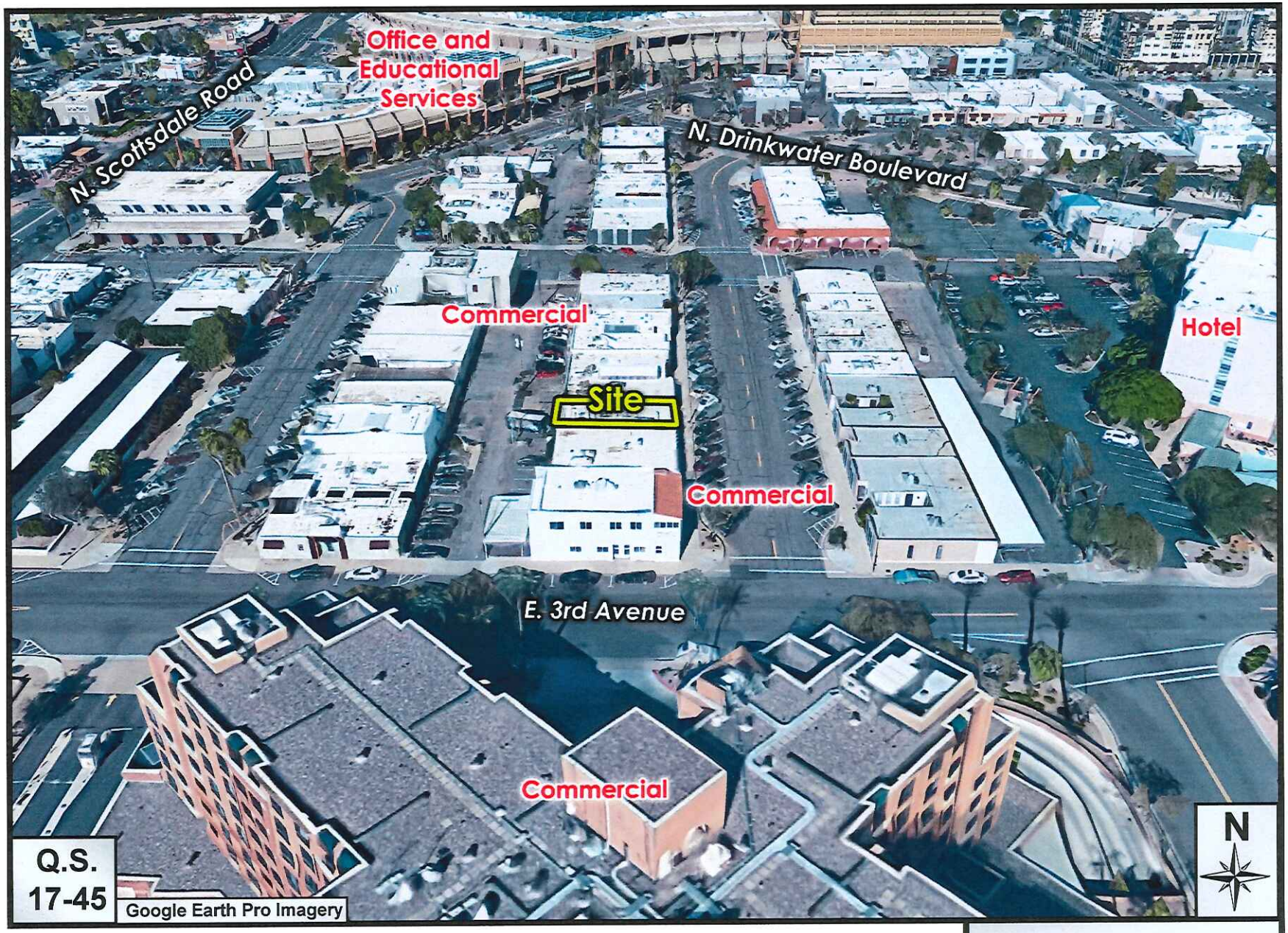
ATTACHMENT #1



Vines & Hops

8-UP-2016

ATTACHMENT #1A



Vines & Hops

8-UP-2016

Conditional Use Permit – Bar
Stipulations
Vines & Hops
Case Number: 8-UP-2016

These stipulations are in order to protect the public health, safety, welfare, and the City of Scottsdale.

OPERATIONS

1. CONFORMANCE TO THE CONCEPTUAL FLOOR PLAN. The interior layout of the premises shall be in substantial conformance with the conceptual floor plan submitted by Vines & Hops, LLC and with the city staff date of 9/23/2016, attached as Exhibit A to Exhibit 2. Any proposed significant change to the conceptual floor plan as determined by the Zoning Administrator, shall be subject to additional action and public hearings before the Planning Commission and City Council.

2. NO LIVE ENTERTAINMENT. This Conditional Use Permit is for a bar use only, and no live entertainment is approved as part of this request.

3. NO AFTERHOURS. This Conditional Use Permit is for a bar use only, and no live entertainment is approved as part of this request.

4. HOURS OF BAR OPERATIONS. The hours of the bar operations for this establishment shall be limited to:

	Open to Customers	Close to Customers
Sunday	11:00 a.m.	11:00 p.m.
Monday	11:00 a.m.	11:00 p.m.
Tuesday	11:00 a.m.	11:00 p.m.
Wednesday	11:00 a.m.	11:00 p.m.
Thursday	11:00 a.m.	11:00 p.m.
Friday	11:00 a.m.	11:00 p.m.
Saturday	11:00 a.m.	11:00 p.m.

5. PUBLIC SAFTEY PLAN. The operations of the bar shall conform to the Public Safety Plan approved by, and on record with the City of Scottsdale's Police Department and the Planning, Neighborhoods, and Transportation Division. A copy of the approved Security, Maintenance, and Operations shall be maintained on site. Within 10 days after a request by the City Manager or designee, the owner shall provide an update of the Public Safety Plan to the Scottsdale Police Department and the Planning and Development Services Division. At least ten (10) days before any operational change of the bar, or any promotional event (excluding Special Events), that modifies the requirements or contents of the Public Safety Plan, the owner shall submit a revised Public Safety Plan to the Scottsdale Police Department and the Planning and Development Services Division. Any revised Security, Maintenance, and Operations Plan shall be subject to approval by the City of Scottsdale's Police Department and the Planning and Development Services Division.

6. NOISE. In addition to the City's Noise Ordinance (Ordinance No. 3192, Article II, Chapter 19 of the Scottsdale Revised Code), noise generated from this use, including any speakers or other amplification equipment, shall not exceed ambient noise levels consistent to the use and the character of the area during hours of operation, as determined by the Zoning Administrator, or designee.

PARKING

7. MINIMUM PARKING. The site shall be required to provide parking, as required by the Zoning Ordinance, through on-site parking, off-site parking, in-lieu parking spaces, or any combination thereof, at all times. Failure to provide required parking for the use, to the satisfaction of the Zoning Administrator, or designee, may be grounds for revocation of the Conditional Use Permit.
8. PARKING ASSURANCE AGREEMENT(S). If the owner or operator chooses to utilize off-site parking to satisfy the parking requirement for the use, the owner or operator shall enter into a parking assurance agreement in a form satisfactory to the city. Thirty (30) days before the expiration of any assurance agreement, the owner or operator shall submit a new assurance agreement to the Zoning Administrator, or designee, subject to city review and approval. Inability of the owner or operator to obtain the required parking under an assurance agreement, to the satisfaction of the Zoning Administrator, or designee, may be grounds for revocation of the Conditional Use Permit.

ADMINISTRATIVE/PROCESS

9. CONDITIONAL USE PERMIT ADMINISTRATIVE REVIEW. Within ten (10) days after a request by the Zoning Administrator or designee, the owner shall submit a letter to the Zoning Administrator or designee demonstrating compliance with all stipulations. A deviation from any stipulations or change in the floor plan may be grounds for revocation of the Conditional Use Permit.
10. CHANGES IN OWNERSHIP. Within ten (10) days after a change in ownership, the owner shall provide notice to the Zoning Administrator in writing of any such ownership change.

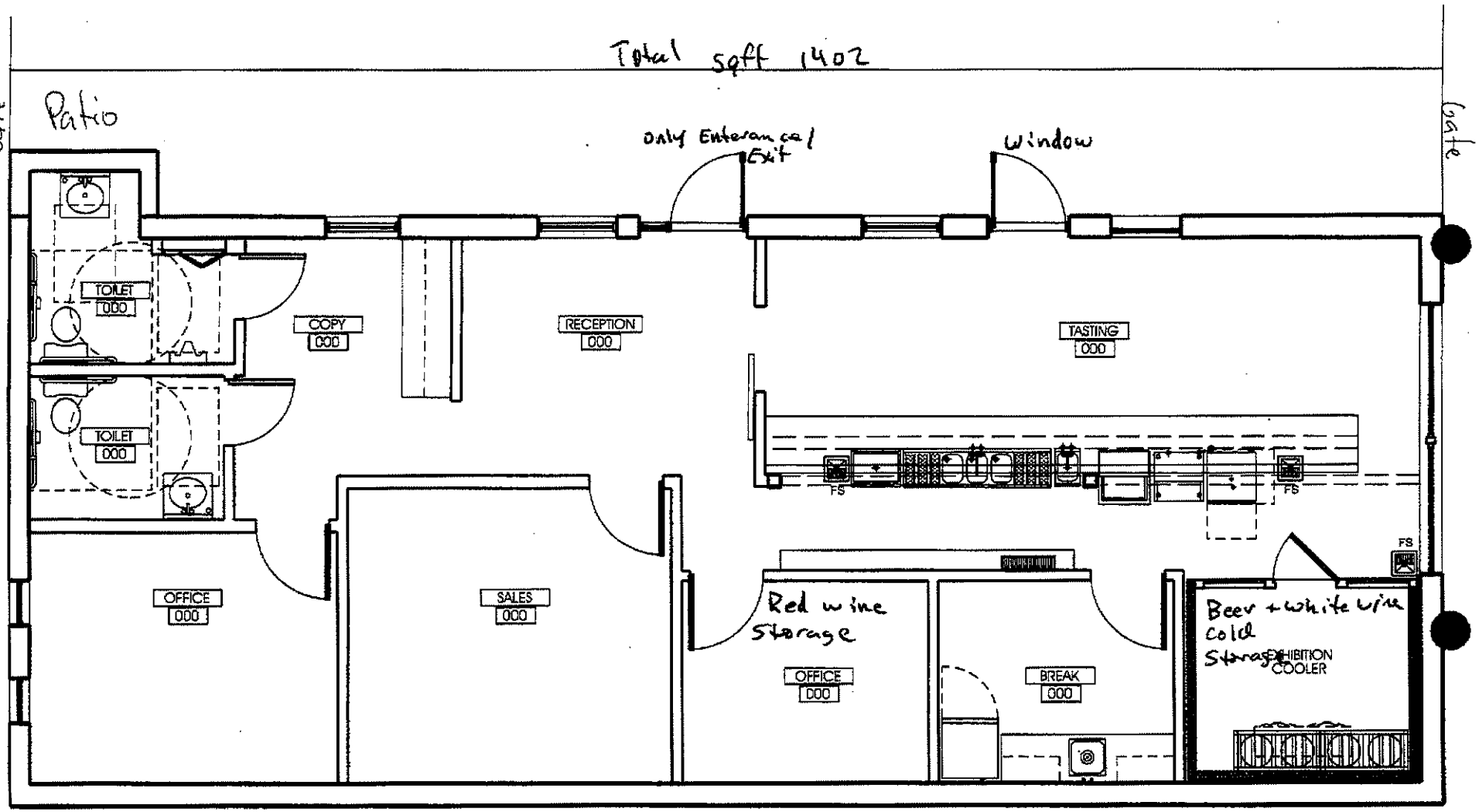


Exhibit A to Attachment 2

Exhibit A to Attachment 2

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Project Narrative

Conditional Use Permit for Vines & Hops Beer and Wine Bar

For its project narrative, in accordance with the requirements of the City of Scottsdale's Conditional Use Permit for a Bar, Vines & Hops, LLC dba Vines & Hops states as follows:

Vines & Hops is requesting approval of a Conditional Use Permit for a Bar to allow a Series 7 bar liquor license on the premises and alcoholic beer and food consumption in the interior and on the enclosed, fenced patio of the building located at 4216 North Brown Avenue, Scottsdale, AZ 85251. The existing location is currently licensed under a Series 7 bar liquor license with alcohol and food consumption insides and on the enclosed, fenced patio of the establishment. Vines & Hops is applying for the existing Series 7 liquor license currently registered to Badwater Brewing to be transferred to Vines & Hops.

Vines & Hops will continue to sell food at the establishment in accordance with the restrictions of operating a "cold kitchen" in which no raw food will be served. Vines & Hops will operate in full compliance with the limitations of the license issued by Maricopa County regarding the operation of the kitchen and service of food. Vines & Hops will also continue to serve alcohol on premises and sell ancillary closed liquor bottles for retail as previously approved by the City of Scottsdale. Therefore, the applicant is requesting approval of a Conditional Use Permit for a Bar allowing a Series 7 liquor license for on-site consumption of alcoholic beverages as well as food consumption inside the premises and on the enclosed, fenced patio, and for auxiliary off-site sales of alcohol, which meets the requirements of the Arizona Department of Liquor License and Control as well as the City of Scottsdale (as previously approved for the existing series 7 liquor license approved for the location).

The consumption of alcohol at this site will not negatively impact residents or other businesses within the surrounding area, as most adjacent businesses close by 6:00 p.m. The building has been operated as a Series 7 liquor license bar since 2014 when it opened and has served alcohol for on-site consumption and off-site sales since it opened, and has served food for consumption since its opening. Vines & Hops will continue to operate largely in the same manner as the previous business operated, with the inly change being that the bar will serve wine in addition to beer. No changes to the physical layout of the building are planned. Vines & Hops will offer service from 11:00 a.m. to 11:00 p.m. seven days per week, but anticipates that most of its business will take place in the evening hours, between 6:00 p.m. and 11:00 p.m.

A copy of the existing food menu, beer list and wine list is attached. Vines & Hops will specialize in serving local Arizona beer and a wide selection of high quality wine. We expect for food sales to comprise 35% of total sales, and the food will be sourced from local vendors and feature only the highest quality products. Vines & Hops intends to be a cozy, inviting place for guests to come and enjoy a drink, some food, and friendly company in a relaxed atmosphere for people looking to escape the loudness of the Scottsdale club scene. The operations will largely continue as previously approved by the city when the existing license was approved. The small approximately 200 square feet attached patio is enclosed by an iron fence and has small seating, and will provide a safe, quiet place for customers.

As Vines & Hops will close at 11:00 p.m. every day, its operations will not disrupt the existing balance of daytime and nighttime uses.

Conditional Use Permit Criteria for a Bar:

A. That the granting of such conditional permit will not be materially detrimental to the public health, safety or welfare. In reaching this conclusion, the Planning Commission and the City Council's consideration shall include, but not be limited to, the following factors:

1. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.

Response: Vines & Hops will have no impact on the surrounding area regarding the above. The existing and proposed use does not generate smoke, odors or dust. Light from Vines & Hops will not be visible on the west, north or south sides due to the existing full height masonry wall. The existing wall will also act as a buffer for noise. Noise and light from the east side will be controlled through the use of controlled volume levels, the masonry wall, and limited tinted, paned windows.

2. Impact on surrounding areas resulting from an unusual volume or character of traffic.

Response: Vines & Hops is primarily an evening establishment that will offer limited service during lunch hours. It will operate largely the same hours as the existing establishment, only on more days of the week. The primary anticipated times of heavy traffic will be evenings and weekends when the surrounding businesses are closed. To date, the existing operation has not had an impact on the surrounding area resulting from an unusual volume or character of traffic. The addition of the Conditional Use Permit for a Bar is not anticipated to cause an effect on the surrounding area resulting from any unusual volume or character of traffic.

B. The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas.

Response: The proposed Conditional Use Permit for a Bar is compatible with the other high-end bars, hotels, offices, restaurants and businesses in the area. Appropriately, this site has been operating as a beer bar and is zoned accordingly, subject to the approval of a Conditional Use Permit for a Bar.

C. Bars, cocktail lounges and/or after hours establishments.

1. The use shall not disrupt the existing balance of daytime and nighttime uses.

Response: Vines & Hops will occupy the currently occupied premises at 4216 North Brown Avenue. No new construction will occur resulting in an immediate seamless blending of Vines & Hops into the surrounding business environment. The operating hours and nature of operations of Vines & Hops will integrate with, and not disrupt, the existing balance of daytime and nighttime uses in the area.

2. The use shall not disrupt pedestrian-oriented daytime activities.

Response: Vines & Hops will primarily operate in the evenings and weekends, and anticipates having minimal traffic during the hours during which the surrounding businesses mainly operate for a

limited lunch service. As such, there will be minimal impact on existing weekday, daytime operations of the adjacent businesses.

3. If the site is located within the Downtown Overlay District D-O then:
    a. The use shall not encourage displacement of daytime retail uses unless it can be demonstrated that the proposed use shall promote diversity of first floor uses along the street.

        Response: Vines & Hops has existed in its current location in the daytime and evening business since it opened in 2014, and the new operations will not significantly change the character of the operation from how it has operated. The addition of the conditional use permit will not displace any daytime retail uses.

    b. The required parking for the use shall be within 600 feet of the property and shall not be separated from the property by a major or minor arterial street.

        Response: Vines & Hops has three dedicated parking spots behind its location and is allocated 5.79 P-3 Parking Credits by the City's zoning. In addition, the owner is requesting to participate in the in-lieu parking program for 2.89 in-lieu parking credits to meet the additional parking required for the Conditional Use Permit for a Bar.

4. If the use is located within 500 feet of a residential use or district then:
    a. The use shall not adversely impact residential uses.

        Response: The Vines & Hops location (formerly Badwater Brewing) has existed at the current location since 2014 and has not had any known effect on the residential uses within 500 feet of the establishment. Other than obtaining a Conditional Use Permit for a Bar, no modification to the business operations is intended. Therefore, the addition of a Conditional Use Permit for a Bar at this location is not anticipated to have an adverse effect on the residential uses within 500 feet of the business.

    b. The use shall provide methods of buffering residential uses.

        Response: The distance to the nearest residential use will provide a significant buffer itself, as the building is surrounded in the immediate vicinity by business operations and hotels and restaurant establishments. In addition, with the exception of a small 200 square foot patio between the buildings, all operations will be within the building. Also, light from Vines & Hops will not be visible on the west, north or south sides due to the existing full height masonry wall. The existing wall will also act as a buffer for noise. Noise and light from the east side will be controlled through the use of controlled volume levels, the masonry wall, and limited tinted, paned windows.

5. An active management and security plan shall be created, approved, implemented, maintained, and enforced for the business.

Response: The owner of the establishment and Vines & Hops tenant have obtained approval of a Public Safety Plan from the City's Police Department, which is maintained on file with the city and a copy is maintained on the business premises.

6. The property owner shall create a written exterior refuse control plan for approval by the city.

   Response: The refuse control plan is part of the Public Safety Plan created by the owner and tenant of the business which has been approved by the City's Police Department. The plan will be implemented and enforced by management. A refuse enclosure is on site and located on the property behind the building in the alley. Vines & Hops will utilize its plan to control exterior refuse.

7. The applicant shall demonstrate how noise and light generated by the use shall be mitigated.

   Response: Light from Vines & Hops will not be visible on the west, north or south sides due to the existing full height masonry wall. With the exception of a small 200 square foot patio between the buildings, all operations will be within the building. The existing walls around the patio will act as a buffer for noise. Noise and light from the east side will be controlled through the use of controlled volume levels, the masonry wall, and limited tinted, paned windows.

8. The use shall conform to the parking requirements of Article IX and shall not exceed capacity for traffic in the area.

   Response: Vines & Hops will require approximately 11.68 parking spaces. Three parking spaces are allocated to the business in the alley behind the establishment. In addition, the property has 5.79 P-3 parking credits. The remaining 2.89 spaces will be allocated to the business through the City's in-lieu parking agreement, for which the owner has applied, if approved by the City Council. Vines & Hops operates mostly in the evening in an area that contains mostly businesses that operate during daytime hours. Vines & Hops is a small establishment that will not add significantly to the traffic in excess of that which already exists in the area.

9. After hours establishments must maintain a valid after hours establishment license.

   Response: Vines & Hops will close at 11:00 p.m. daily, therefore an after hours establishment permit will not be required.

Respectfully,

Chad DeVille/Owner
602-338-4553

Vines & Hops

ATTACHMENT #4

8-UP-2016

ATTACHMENT #4

SECURITY, MAINTENANCE AND OPERATIONS PLAN

For Bars and Live Entertainment Use Permits

Scottsdale Police Department, 3700 North 75th Street, Scottsdale, AZ 85251

480.312.5000 FAX 480.312.7701

City of Scottsdale Planning, 7447 E. Indian School, Scottsdale AZ 85251

480-312-7000 FAX 480-312-7088

Assigned Planner: Dan Symer

Police Detective: Eric Bolles - 1210

Establishment: Vines & Hops

Address: 4216 N. Brown Ave, Scottsdale, AZ 85251

Business Phone: 480-748-4460

Business FAX: N/A

Maximum Occupancy: 39

Effective Date of the Plan: 9/15/16

Date of Plan Review:

Use Permit Issue Date:

Liquor License Number: AZ Liquor license: 07070001 | Scottsdale: pending

Contact Person (1): Erica Roush

Home Phone: 520-237-3212

Contact Person (2): Chad DeVille

Home Phone: 602-338-4553

ATTACHMENT #5

Purpose of the Plan

To address security measures, maintenance/refuse and operations for an establishment whose use shall require a Security Plan pursuant to Scottsdale Revised Codes. These uses typically include a Bar Use Permit and a Live Entertainment Use Permit. The contents of this plan will address the listed concerns as well as community concerns regarding:

- Any significant increase in vehicular or pedestrian traffic, including effects on parking, traffic and circulation in the area.

- Adequate control of disruptive behavior both inside and outside the premises to include property damage and refuse issues.

- Compatibility with surrounding structures and uses.

It is the intent of the City of Scottsdale to provide an environment that enhances the safeguarding of property as well as public welfare and to limit the need for law enforcement involvement.

The Permittee agrees that successful execution and enforcement of this Plan are a required condition of the use permit. Termination, cancellation, deviation or non-approval of the Plan constitutes a breach of the Plan and could result in the revocation of the use permit.

PROPERTY OWNER- DIVERGENT HOLDINGS

- LEWIS KUBITZ

Operations and Hours

1. Permittee: Vines & Hops, LLC

   Type of Organization:
   - __Arizona Corporation
   - __Sole Proprietorship
   - __Partnership
   - __Corporation
   - X LLC
   - __Other

2. Managing Agents Name: Chad DeVille & Thomas Bennett
   Title: member/manager
   Address: 745 N. Gilbert Rd #124-163, Gilbert, AZ 85234
   Phone Numbers: 602-338-4553 | 480-516-7798
   Fax or Other Numbers: N/A

3. Business Owner(s) (if different than Managing Agent) Name, Address, Phone: N/A

4. Property Owner or Property Manager (if different from Managing Agent) Name, Address, Phone: Divergent Holdings, LLC, 4808 N. 24th Street #120 Phoenix, AZ 85016, (805) 886-7987 Attn: Lewis Kubitz

5. Hours of Operation:

	Peak/Non-Peak Night	Open to Customers	Liquor Sale Begin	Liquor Sale Ends	Closed to Customers
Monday	non-peak	11:00am	11:00am	11:00pm.	11:00pm
Tuesday	non-peak	11:00am	11:00am	11:00pm	11:00pm
Wednesday	non-peak	11:00am	11:00am	11:00pm	11:00pm
Thursday	non-peak	11:00am	11:00am	11:00pm	11:00pm.
Friday	Peak	11:00am	11:00am	11:00pm	11:00pm
Saturday	Peak	11:00am	11:00am	11:00pm	11:00pm
Sunday	Peak	11:00am	11:00am	11:00pm	11:00pm

6. Promotional Events: *(Attach an addendum which describes week to week promotional events you plan to have throughout the year i.e. "Ladies night." Do no include special events)* Not applicable

7. Program Format/Entertainment/Advertising: *(Complete for Live Entertainment Use Permit Only. Attach addendum that describes*

entertainment format i.e. DJ, Live music, Comedy acts etc.) See Scottsdale Revised Code – Appendix B, Zoning Ordinance for definitions. not applicable

8. Special Events:

Permittee must give notice to City of Scottsdale Planning and Development at least forty-five (45) days prior to conducting Special Events on the premises. "Special Events" are any program formats varying from the regular format and audiences described or provided above organized or planned by Permittee. Scottsdale requires separate licenses for outdoor special events.

9. Cooperation/Complaints/Concerns:

Permittee will maintain communications with establishments located on and adjacent to the premises, and with residents and other businesses that may be affected by patrons or operations of the Permittee. Permittee designates the following person to receive and respond to concerns or complaints from other residents or businesses:

Name: Ericalowash Address: 745 N. Gilbert Rd #124-1103 Gilbert, AZ 85234 Phone: 520-237-3212

Permittee, managing agents, on-duty managers, supervisors and security personnel will cooperate closely with Scottsdale Police, City of Scottsdale Code Enforcement staff or other City staff as well as business and residential neighbors in addressing and investigating complaints, criminal acts, refuse issues and any other concerns.

Security and Maintenance

Security Attire
Security personnel must be readily identifiable to police, patrons, and other employees to ensure the safety of the security staff when engaged with patrons. Security personnel should wear an appropriate styled shirt with the word "security" on both the front and back, in two (2) inch lettering and clearly visible. During cold weather, a jacket with the same inscription should be worn.

The use of radios should be employed between security staff and management when the size of the establishment limits communication efforts.

Security Officer Responsibilities
The Permittee or management must clearly delineate the below responsibilities to all new security personnel and ensure these responsibilities are explained and understood.

Civilian Security Officers will be responsible for patrolling the full property of the liquor establishment during all hours when patrons are in the establishment, outside the establishment, and in the establishment parking areas.

On peak nights, there will be a minimum of Ø uniformed security officer(s). (Wearing the above-described uniform). The following responsibilities shall be agreed upon and adhered to:

1. N/A Security officer(s) will be responsible for roaming the interior of the business and identifying hazards, problems, and maintaining guest safety.
2. N/A Security officer(s) will be responsible for checking identifications at the front door. Acceptable identification are those listed in Arizona Revised Statutes Title 4, section 241A and apply to patrons accessing any area of the licensed premises, including the time period of After-Hours, if applicable. Additional responsibilities shall include: access control, counting of patrons, and prevention of intoxicated persons from entering the business.
3. N/A Security officer(s) will be responsible for conducting roaming patrol of the exterior in an effort to prevent criminal behavior, maintain the peace and prevent refuse issues. This patrol shall include all parking areas to prevent a gathering of patrons during business hours and up to thirty (30) minutes after closing.

In addition, security officers will report all acts of violence to management personnel, complete a written report, log the act of violence, and contact Scottsdale Police Department immediately. Liquor establishment management and/or ownership has the ultimate responsibility for the recording of the act of violence, logging of the act of violence, and reporting the act of violence to the police department and the State Department of Liquor Licenses.

Management Responsibilities

The Permittee must clearly delineate the below responsibilities to all managers, assistant managers, and person(s)-in-charge and ensure these responsibilities are understood and followed.

The manager(s) shall ensure that all employees, security staff and off-duty officers (if applicable) be trained and knowledgeable about the contents of this plan. The following shall be agreed upon and adhered to:

1. There will be a minimum of 2 manager(s) available during peak nights.
2. There shall be a general manager and one assistant manager on duty all hours while open for business and for thirty minutes after closing.
3. A manager shall be identified as the "Security Manager" for the establishment and be responsible for ensuring that a safe environment exists; for the supervision of all security personnel and that all security personnel as identified here shall meet or exceed the requirements established by A.R.S. 32-2621 through A.R.S. 32-2636, as amended, relating to security personnel and guards, and any regulation issued pursuant thereto.
4. At least one security manager will be on duty until one hour after closing or the last security officer is off duty, whichever occurs last.

Uniformed Sworn Officer Responsibilities:
If Off-duty law enforcement is used for security, it is the responsibility of the Permittee or management to clearly delineate the following responsibilities, which include at a minimum the following:

1. Conduct traffic control as needed.
2. Assist civilian security officer(s) in removal of disorderly and/or intoxicated guests and maintain the peace outside the establishment.
3. If necessary, patrol the exterior portions of the business to maintain the peace as well as prevent criminal acts.
4. If a valet is utilized, maintain the peace in the area of the valet.
5. Assist Security Officers with maintaining order in the entrance line and assist in discovery of underage patrons attempting admittance.

- ☐ I plan to hire_____officer(s) during peak nights from (name of agency)_____.
- ☒ I do not plan to hire off-duty law enforcement.

Parking
In order to reduce criminal activity that negatively affects the nearby businesses, the Permittee is responsible for the designated parking area to include any lots used by the Permittee's contracted valet company. It is the Permittee's responsibility to ensure that parking areas utilized by patrons and employees will be routinely patrolled by security staff so parking areas are not used: as a gathering place; for consumption of spirituous liquor; for violations of state or city law; for acts of violence, or disorderly conduct. Management will ensure that all patrons have left the parking areas within thirty minutes after the designated closing time.

If valet is used, it is the Permittee's responsibility to ensure the valet company meets all the requirements of the City of Scottsdale and has a valid valet license and permit prior to conducting valet business.

Refuse Plan
It is the Permittee's responsibility to ensure refuse containers are properly used and the area in and around the business is kept clean. Failure to do so will result in an investigation and possible citation from the City of Scottsdale Code Enforcement or other governmental agencies.

At closing, management will be responsible for refuse pick-up and any appropriate cleaning, for any refuse found within a 300 foot (three hundred) radius of the business. This will also include patron parking lot(s), valet parking lot(s) and employee parking lot(s). All bottles, trash, bodily fluids or secretions and refuse found on streets, sidewalks, private property, and empty lots within the above designated areas will be placed in the refuse container or cleaned appropriately.

Enforcement of Security Plan
Violations of this Security Plan will be enforceable by City of Scottsdale Police Officers and/or Code Enforcement employees and may constitute grounds for revocation of applicable use permits relating to the establishment.

Violation, amendment, revocation, as defined in Scottsdale City Zoning Code Sec. 1.402.
Conditional use-permits, which have been approved by the City Council, shall be subject to the following procedures and criteria regarding any violation, amendment, or revocation.

- The violation of any condition imposed by the conditional use permit shall constitute a violation of this ordinance and shall be subject to the requirements of Section 1.1400 et seq.
- Conditional uses shall be developed in conformance to the approved plans as determined by the Zoning Administrator. An amendment to a conditional use permit is required before implementation of any material change in the scope and nature of an approved conditional use, material change in any conditions or stipulations to a conditional use permit or material change in the physical size, placement or structure of property subject to a conditional use permit. The Zoning Administrator shall have the discretion to determine if a proposed change warrants an amendment. An amendment must be approved as provided in Section 1.400 et seq. for the approval of conditional use permits.
- The Zoning Administrator may recommend to the City Council and the City Council may affect revocation of a conditional use permit pursuant to Section 1.402 of the Scottsdale Zoning Code for acts including but not limited to:
  1. A violation of the Plan.
  2. Violation of the conditions of the Use Permit.
  3. Violation of Scottsdale ordinances or law.
  4. Repeated acts of violence or disorderly conduct as reflected by police calls for service or offenses occurring on premises utilized by patrons of the Permittee, or failure to report acts of violence
  5. Failure of the Permittee to take reasonable steps to protect the safety of persons entering, leaving or remaining on the premises when the Permittee knew or should have known of the danger to such person, or the Permittee fails to take reasonable steps to intervene by notifying law enforcement officials or otherwise to prevent or break up an act of violence or an altercation occurring on the premises or on premises utilized by patrons and employees of the Permittee when the Permittee knew or reasonably should have known of such acts of violence or altercations.
  6. Any enlargement or expansion of the premises, plan of operation or program format without appropriate approval from the City.
  7. Misrepresentations or material misstatements of the Permittee, its agents or employees.

Dissemination of the Security Plan

- A copy of this security plan must be provided to each security officer and off-duty sworn law enforcement officer as well as the manager(s) and assistant manager(s) employed by the permittee.
- A reading log will be maintained and will be signed by each of the above persons, stating they have read and understood this plan. Each security employee must read the plan once per year, or when there are any changes to the plan.
- A current copy of this plan will be maintained on the premises at all times, and a copy of this plan must be made available upon request of any code enforcement officer or police officer.
- Failure to conform to this plan will be considered a violation of the use permit.

Termination of the Plan

This plan shall terminate when the applicant's Use Permit terminates.

Enclosures

☐ Addendums attached

☒ No enclosures

APPLICANT/MANAGEMENT:

Name: Chad DeVille
Address: 745N. Gilbert Rd #124-163, Gilbert, AZ 85234
Phone: 602-338-4553
Date: 9/15/16
Signature: _____

APPROVED BY:

Detective: ERIC BOLLES
Phone: 480 312 5359
Date: 9/21/16
Signature: _____

Vines & Hops

Neighbor Notification Checklist Report

1. List of Names and Addresses of Contacted Parties
    a. See attached Exhibit 1
2. Map showing where notified neighbors are located
    a. See attached Exhibit 2
3. Provide the dates contacted and number of times contacted
    a. See attached Exhibit 3. Neighbors and interested parties were contacted via first class mail which was mailed September 12, 2016.
4. Provide copies of letter used to contact neighbors and interested parties
    a. See attached Exhibit 3
5. Provide originals of comments and letters received.
    a. Not applicable. No comments or letters were received.
6. Verify the Project Under Review Sign Posting
    a. See affidavit of posting and photo attached as Exhibit 5
7. Document Open House Meeting
    a. Open House Meeting Held Tuesday, September 27, 2016 from 6:00 p.m. to 7:00 p.m.
    b. Provide Sign in Sheet. See Exhibit 6 attached.
        i. The open house was held from 6:00 p.m. It was held open until 7:30 p.m. No one attended the open house (see sign in sheet with no signatures)
    c. List the method by which the applicant has addressed or intends to address issues:
        i. No issues were raised, as no one came to the open house, and no one otherwise expressed any concerns or provided any comments.
    d. List the dates, time and locations of follow up with interested parties
        i. Not applicable
8. List any other neighbor citizen involvement
    a. Not applicable

ATTACHMENT #6

VINES & HOPS

Dear Neighbors:

We are seeking to convert the business at 4216 North Brown Avenue, Scottsdale, AZ 85251, which is on the west side of Brown Avenue between 3rd Avenue and 4th Avenue. We are requesting a Conditional Use Permit for a Bar at the existing location. The bar, Vines & Hops, will be a beer and wine bar (series 7 liquor license) with a mix of bar top space and small seating areas. The bar will have a total seating capacity of 39, both inside and outside on the small, enclosed patio. Vines & Hops will offer a friendly, relaxed environment for guests to come enjoy our selection of all Arizona local beers, both on tap and in cans, a wide variety of wine, and a selection of small plates, including cheese plates, charcuterie, paninis and salads. The venue will be a small venue that caters to guests who are looking for an alternative to the noisy club scene and large restaurants. We will strive to provide superior customer service and ensure that everyone feels at home at the bar, whether joining friends for a glass of wine, watching the game while enjoying the local Arizona beer, or playing our selection of cards and board games.

Our wine and beer selection will be complemented by the variety of small food plates noted above, which will require limited on-site preparation in the bar's cold kitchen and will be sourced from local food vendors. We will feature only the highest quality food products in our dishes.

The space is approximately 1432 square feet. There is also a small, enclosed patio. We will also offer delivery service for food and closed beverage containers. We will be open from 11:00 am to 11:00 pm every day. Our operation will be compliant with all state and local liquor and food licensing requirements.

This concept will not disrupt the existing balance of day and nighttime uses but rather we believe it will greatly complement and enhance the existing office locations and entertainment establishments. We believe that we will offer a place for our neighbors to come and relax, and that the proposed use will have no negative impact on the neighborhood.

Our operations will not impede any pedestrian activities or encroach on any other business operations. We will strictly comply with all City and property management ordinances and operate in a manner consistent with those existing businesses in the area.

We will be holding an open house at the business to answer any questions you may have. The open house will be held on Tuesday, September 27, 2016 from 6:00 p.m. to 7:00 p.m.

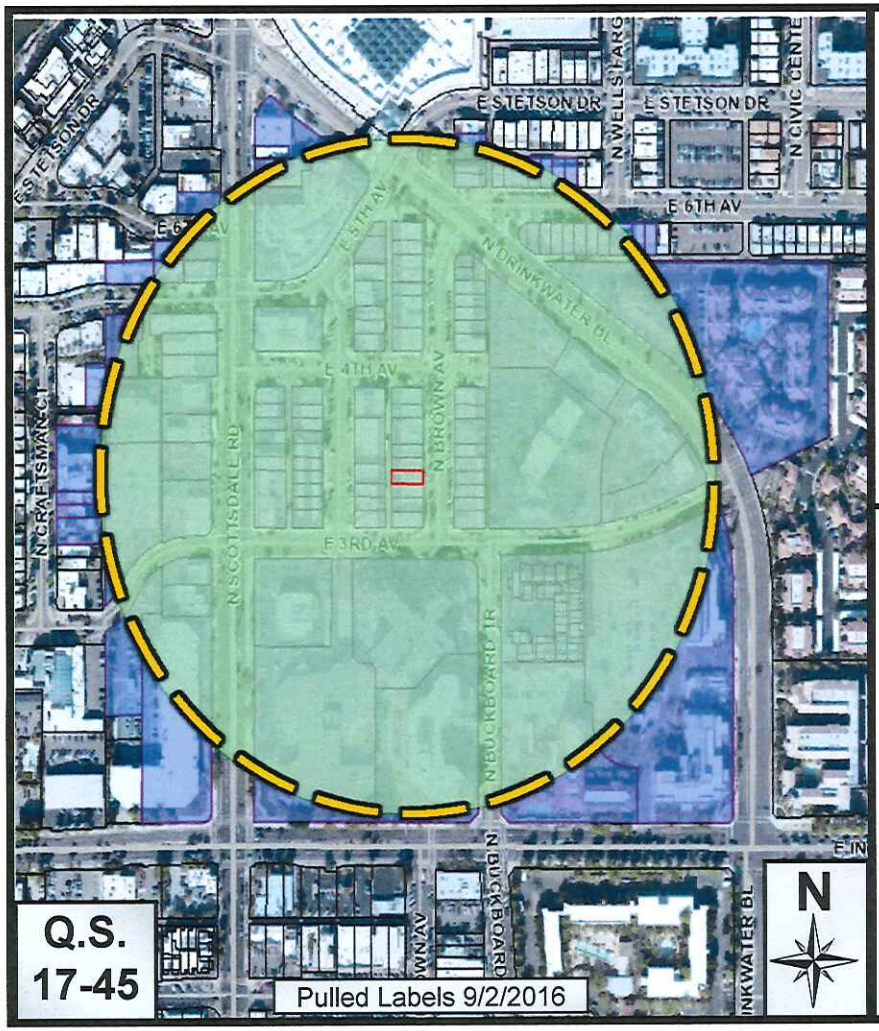
Any questions or concerns regarding this project may be directed to the individual listed below.

Contact information:

Erica Rocush
ekrocush@gmail.com
520-237-3212

City Notifications – Mailing List Selection Map

ATTACHMENT #7



Map Legend:

- Site Boundary
- Properties within 750-feet
- 178 Postcards

Additional Notifications:

- Interested Parties List
- Adjacent HOA's
- P&Z E-Newsletter
- Facebook
- Twitter
- Nextdoor.com
- City Website-Projects in the hearing process

Vine & Hops

8-UP-2016